

D.B. CIVIL SPECIAL APPEAL (W) NO.518/2007

Ganesh Chandra Joshi

Vs.

Union of India and Ors.

DATE OF ORDER :: 11.5.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. Vijay Bishnoi)
Mr. Pritam Solanki) for the petitioner.

Having heard learned counsel for the petitioner we do not find any merit in this appeal.

The appellant was transferred from Bikaner to Hanumangarh on 2.3.2006 while he was attached to Unit at Bikaner. The appellant considering that his transfer to Hanumangarh was contrary to the policy and not valid had not joined at Hanumangarh and instead made a representation against such transfer.,

while that representation was pending, petitioner was transferred to Jaisalmer on 10.4.2006. However, before joining at Jaisalmer while the petitioner was in process of joining, the Unit to which petitioner was attached at Jaisalmer vide order dtd. 14.4.2006 itself was directed to be moved to Harmoti Arunchal Pradesh. Hence, the petitioner was directed to

join alongwith the Unit to which he was transferred by order dtd. 14.4.2006. The petitioner accordingly joined at Harmoti Arunchal Pradesh.

The genesis of the petitioner challenging the transfer is his alleged transfer against policy from Bikaner to Hanumangarh.

Apparently, on transfer to Hanumangarh, petitioner has not complied with the order and he did remain absent after making representation, subsequent transfer to three units which was independent transfer and transfer of the unit as a whole to Harmoti Arunchal Pradesh could not be taken as the ground contrary to the policy or due to lack of bonafides.

We, therefore, do not find any merit in this appeal challenging the order of learned Single Judge who declined to interfere in the order of transfer which already stood complied with.

The only remaining grievance which the appellant seeks to redress is about his pay and allowances for the month of March and April, the period during which he had not joined at Hanumangarh while he was under transfer from Bikaner until he was transferred to Jaisalmer.

We find from Annexure-9 annexed with the writ

petition that the respondents had informed the petitioner that payment for these two months can be given to him only after his period of absence during this period is regularised under the Rules. Therefore, the petitioner instead of seeking any direction from this Court ought to make a representation before the competent authority for the purpose of regularisation of the aforesaid period of absence and in case any such representation is made, the appropriate authority will consider all the facts and circumstances and decide the representation regarding regularisation of his absence for the month of March and April and relief may be granted according to the said representation.

Accordingly, subject to aforesaid, the appeal is dismissed.

(BHANWAROO KHAN), J.

(RAJESH BALIA), J.

/rm